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FRANK C. NICHOLAS (33,883)

Name of applicant, assignee or registered representative

*Frank C. Nicholas*

Signature

July 26, 2004

Date of Signature

PATENT  
Case No. AUS820010188US1  
(9000/31)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

MARIA A. HIMMEL, ET AL.

Serial No.: 09/821,108

Filed: MARCH 29, 2001

Title: METHOD AND SYSTEM FOR  
REQUEST BASED ADVERTISING  
ON A MOBILE PHONE

Examiner: JANVIER, JEAN D.

Group Art Unit: 3622

RESPONSE AND AMENDMENT  
TO OFFICE ACTION DATED APRIL 26, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a response to a Non-Final Office Action dated April 26, 2004.

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**CARDINAL LAW GROUP**

1603 Orrington Avenue/Suite 2000  
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Date: JULY 26, 2004

To: EXAMINER JEAN D. JANVIER  
U.S. PATENT AND TRADEMARK OFFICE

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From: FRANK C. NICHOLAS  
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Client/Matter No.: AUS820010188US1 (9000/31)

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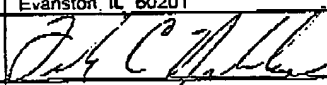
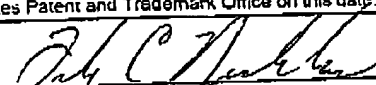
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|--|----------------------|---------------------------|
| <b>TRANSMITTAL FORM</b><br><br><small>(to be used for all correspondence after initial filing)</small> | Attorney Docket No.  | AUS820010188US1 (9000/31) |
|  | Application Number   | 09/821,108                |
|  | Filing Date          | MARCH 29, 2001            |
|  | First Named Inventor | MARIA A. HIMMEL           |
|  | Group Art Unit       | 3622                      |
|  | Examiner             | JANVIER, JEAN D.          |

| ENCLOSURES (check all that apply)   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Response and Amendment to Office Action Dated April 28, 2004<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Petition for Extension of Time Request (dup)<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Supplemental Information Disclosure Statement, PTO-1449, art<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application | <input type="checkbox"/> Assignment Papers<br><input type="checkbox"/> Drawings<br><input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Petition Roving Slip (PTO/SB/69) and Accompanying Petition<br><input type="checkbox"/> To Convert a Provisional Application<br><input type="checkbox"/> Applicant Initiated Interview Request Form<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Express Abandonment Under 37 CFR 1.138<br><input type="checkbox"/> Request of Refund | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Post Card Receipt<br><input type="checkbox"/> Additional Enclosure(s) (please identify below)<br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> |
| <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. <u>09-0447</u> (IBM Corporation). A duplicate copy of this sheet is enclosed.   |  |   |
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|   | Claims After Amendment |       | Highest No. Previously Paid For | Present Extra | Rate            | Add'l Fee    | or | Rate            | Add'l Fee |
| Total                                     |                        | Minus |                                 | 0             | x \$9=          | 0            |    | x \$18=         |           |
| Indep                                     |                        | Minus |                                 | 0             | x \$43=         | 0            |    | x \$86=         |           |
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|   |                        |       |                                 |               | total add'l fee | \$ 0         |    | total add'l fee | \$ 0      |

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|---|---|-------|---------------|
| Firm or Individual name   | FRANK C. NICHOLAS<br>Registration No. 33,983<br>CARDINAL LAW GROUP<br>1603 Orrington Avenue, Suite 2000<br>Evanston, IL 60201 |       |               |
| Signature   |    | Date  | July 26, 2004 |
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